

## AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

### Notice of Intended Action

#### **Proposing rule making related to dairy standards and providing an opportunity for public comment**

The Agriculture and Land Stewardship Department hereby proposes to amend Chapter 68, “Dairy,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 192.102 and 194.2.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapters 192 and 194.

#### *Purpose and Summary*

The Food and Drug Administration in cooperation with and with guidance from the National Conference of Interstate Milk Shippers (NCIMS) adopts new or updated language and clarifications to the Pasteurized Milk Ordinance (PMO) every two years. In 2015, NCIMS added the new Food Safety Modernization Act (FSMA) to the PMO, thus necessitating the Department’s proposed adoption of the newer version to remain compliant with the Department’s 21 CFR 20.88 agreement with the Food and Drug Administration.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 21—Chapter 8.

#### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on January 22, 2020. Comments should be directed to:

Maison Bleam  
Iowa Department of Agriculture and Land Stewardship  
Wallace State Office Building  
502 East 9th Street  
Des Moines, Iowa 50319  
Email: [maison.bleam@iowaagriculture.gov](mailto:maison.bleam@iowaagriculture.gov)

#### *Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

January 22, 2020  
9 to 10 a.m.

Second Floor Conference Room  
Wallace State Office Building  
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule **21—68.1(192,194)**, definition of “P.M.O.,” as follows:

“P.M.O.” means the Grade A Pasteurized Milk Ordinance, ~~2015~~ 2019 Revisions, from the United States Public Health Service/Food and Drug Administration, a copy of which is on file with the department and is incorporated into this chapter by reference and made a part of this chapter.

ITEM 2. Amend subrules 68.13(1) and 68.13(2) as follows:

**68.13(1) Certification.** A rating of 90 percent or more calculated according to the rating system as contained in Public Health Service “Methods of Making Sanitation Ratings of Milk Shippers,” ~~2015~~ 2019 Revision, shall be necessary to receive or retain a Grade A certification under Iowa Code chapter 192. That publication is hereby incorporated into this rule by this reference and made a part thereof insofar as applicable, and a copy is on file with the department.

**68.13(2) Documents.** The following publications of the Public Health Service of the Food and Drug Administration are hereby adopted. A copy of each is on file with the department:

~~1-~~ a. “Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments,” ~~2015~~ 2019 Revision.

~~2-~~ b. “Standards for the Fabrication of Single Service Containers and Closures for Milk and Milk Products,” as incorporated in the P.M.O., Appendix J.

~~3-~~ c. “Evaluation of Milk Laboratories,” ~~2015~~ 2019 Revision.